IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 28TH AUGUST 2006 / 6TH BHADRA 1928

Bail Appl..No. 5142 of 2006

CMP.2645/2006 of J.M.F.C.,PEERUMEDU
CRIME NO. 21/2006 OF EXCISE RANGE, PEERMADE

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PETITIONER/ACCUSED,

SINUDHEEN, S/O.MOHAMMED IRBAHIM,
POYKA VILA VEEDU, VELAMANOOR,
KALLUVATHUKKAL, KOLLAM.

BY ADV. SRI.C.S.MANILAL

RESPONDENTS: STATE/COMPLAINANT.

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1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. THE EXCISE INSPECTOR,
PEERMADE, IDUKKI.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/08/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5142/2006

DATED THIS THE 28TH DAY OF AUGUST, 2006

O R D E R

The petitioner was found in illegal possession of ten liters of illicit arrack, by the Inspector of Excise Range, Peermade, who registered C.R.No.21/2006 of that Excise Range, under Section 8(1) & (2) of the Abkari Act. He remains in judicial custody. Hence this application, under Section 439 Cr.P.C.

2. The learned Public Prosecutor submitted that the petitioner is a resident of Kalluvathukkal, which is known recently by the illicit distillation and sale of arrack. But he came to Peermade for the purpose of selling illicit arrack.

3. The learned counsel for the petitioner, on the other hand, submitted that the petitioner went there to meet his friend, one Kamaludeen, and his brother is also permanently residing in Peermade. The learned Public Prosecutor submitted that the petitioner is not having a permanent residence, in and around Peermade.

4. Considering the facts on record and the duration of the judicial detention, I grant bail and release the petitioner from jail, subject to the following conditions:-

(a). The petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class-I, Peermade.

(b). The petitioner shall report before the Investigating Officer, once in a week, on every Friday, between 10.00 a.m and 11.00 a.m., for a period of three months, starting from 1.9.2006.

(c). The petitioner shall not leave the limit of Peermade Excise Range, for the above period of three months.

(d). The petitioner shall furnish his address, where he would reside during the period of bail, to the Investigating Officer.

5. While releasing the petitioner, the learned Magistrate in order to ensure that the petitioner shall be available during the trial, cautiously scrutinise the documents, produced by the sureties, and satisfy himself. In case of any doubt, the Magistrate shall conduct an enquiry about the documents produced.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs